

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 18-0566

CRISOSTOMO G. IBARRA, and
MARTINA M. IBARRA,

Claimants and Appellants,

v.

MONICA J. LINDEEN, in her capacity as THE COMMISSIONER OF
SECURITIES AND INSURANCE, OFFICE OF THE MONTANA STATE
AUDITOR,

Liquidator and Appellee.

MOTION: 30-DAY BRIEF EXTENSION

From the Montana First Judicial District Court
Lewis & Clark County
District Court Cause No. BDV 2015-563
Honorable Michael McMahon Presiding

APPEARANCES:

Benjamin C. Tiller
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Office of the Commissioner of
Securities and Insurance, Montana
State Auditor
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Helena, MT 59601
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Attorney for Liquidator/Appellee

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Martina M. Ibarra
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Pro Se

The Montana State Auditor, Commissioner of Securities and Insurance (CSI), moves this Court pursuant to Mont. R. App. Pro. 26(2) for an order extending the deadline to file its Answer Brief through Friday, March 6, 2019. The original brief was due on January 4, 2019. The initial extension was granted through Friday, February 4, 2018.¹ The CSI is requesting a 30-day extension.

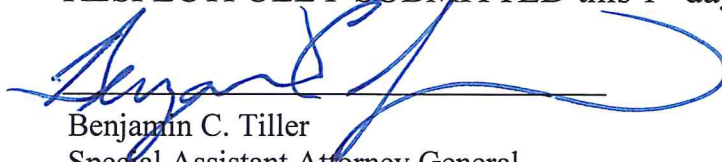
Settlement discussions between the parties are ongoing and progressing in a manner that indicates the matter will settle. The Appellant is gathering information for review by the CSI, which is necessary to determine the terms of this potential settlement. EXHIBIT A. The Appellant has been contacted about this request, and noted in an e-mail to counsel, “We will not oppose if you request an extension while we try to settle the case.” If the parties are unable to settle the matter, the CSI will file its brief within the time allowed by this extension. If settlement is reached, the appeal will be dismissed.

The CSI and the Appellant are working diligently to resolve this matter without involving this Court, and the CSI respectfully requests that the extension be granted.

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¹ The CSI notes that its original motion listed February 4, 2019, as Friday. However, February 4 is a Monday.

RESPECTFULLY SUBMITTED this 1st day of February, 2019.



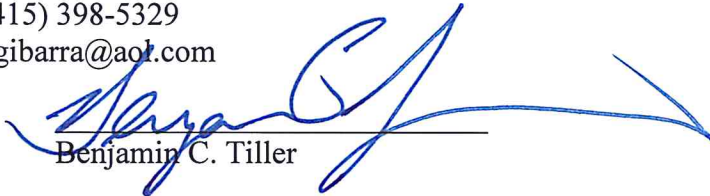
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Attorney for Plaintiff/Appellant

CERTIFICATE OF SERVICE

I certify that on February 1, 2019, a true and correct copy of the foregoing was served by U.S. mail, first class postage prepaid, to the following:

Crisostomo G. Ibarra
Martina M. Ibarra
459 Fulton Street, Suite 109
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(415) 398-5329
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Benjamin C. Tiller

Tiller, Benjamin

From: Gener Benitez <gene.benitez@ibarrapl.com>
Sent: Tuesday, January 29, 2019 12:13 PM
To: Tiller, Benjamin
Cc: cgibarra@aol.com
Subject: Re: NCIC Appeal

Dear Mr. Tiller,

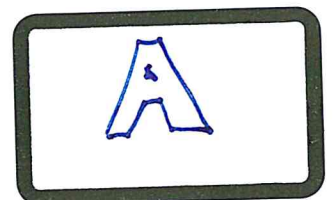
We will not oppose if you request an extension while we try to settle the case.

We will get you the repair numbers as soon as we have them. I was told by Mr. Ibarra that not all repairs have been done. So we will get you numbers for what has been done plus estimates of future repairs.

I will also send you colored pictures taken during the test pits dig.

Let me know if you need anything else to resolve this issue. Thanks.

Gene Benitez



CERTIFICATE OF SERVICE

I, Benjamin Clay Tiller, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed - Extension of Time - Brief to the following on 02-01-2019:

Crisostomo G. Ibarra (Appellant)
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San Francisco CA 94102
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Martina M. Ibarra (Appellant)
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Brett W. Olin (Attorney)
840 Helena Avenue
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Representing: Monica Lindeen, Michael J. FitzGibbons
Service Method: E-mail Delivery

Electronically Signed By: Benjamin Clay Tiller
Dated: 02-01-2019